

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”      MDL No. 2672 CRB (JSC)  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION  
\_\_\_\_\_/      **ORDER RE: MOTIONS TO SEAL**

This Order Relates To:  
Dkt. Nos. 6422, 6578, 6655

BONDHOLDER ACTION  
\_\_\_\_\_

The parties have filed several motions to seal documents that they submitted with their recent summary judgment briefing. For most of the documents, the basis for the request to seal is that the documents were designated as confidential by non-party Santander Asset Management, and therefore constitute “protected material” under the parties’ stipulated protective order. For the remainder of the documents, which are deposition transcripts, declarations or documents that otherwise contain pretrial testimony, the basis for the request to seal is that the parties have agreed to treat such materials as highly confidential for a 30-day period, during which they can propose confidentiality designations. That period had yet to pass when the parties filed these documents with the Court.

When a party “is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order,” the designating party, within four days of the motion to seal, “must file a declaration . . . establishing that all of the designated material is sealable.” Civil L.R. 79–5(e)(1). From the record, it does not appear that Santander Asset Management, as the designating party, filed such a declaration here; and the absence of such a declaration leaves the Court without the means to determine whether the requested sealing would be appropriate. The Court therefore DENIES the motions to seal the Santander documents.

1 Unless good cause is shown, the parties should file unredacted versions of those documents no  
2 earlier than four days, and no later than ten days, after the date of this Order. *See* Civil L.R. 79–  
3 5(e)(2). The parties should timely provide Santander Asset Management with a copy of this  
4 Order.

5 As for the deposition transcripts and other pretrial testimony, unless portions of those  
6 documents are designated as confidential during the 30-day confidentiality window, the parties  
7 should file unredacted versions of the documents after that window has passed. If portions of the  
8 documents are designated as confidential during the 30-day window, the parties should instead file  
9 a motion to seal those portions of the documents.

10 **IT IS SO ORDERED.**

11 Dated: September 26, 2019



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CHARLES R. BREYER  
United States District Judge